HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.13209 of 2007

Between:

M/s Sirpur Paper Mills Limited,
Sirpur-Kagaznagar, Adilabad

... Petitioner

And

The Assistant Commissioner (Commercial Taxes),
Abids Division, Hyderabad & another

... Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V. Srinivas

Counsel for respondent No.1 : Government Pleader for

Commercial Taxes

July 30, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioner has made the following substantive prayer:

> " It is therefore prayed that this Hon'ble Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or orders to declare the action of the 1st respondent in issuing notices dated 19.6.2007 demanding the petitioner to pay the disputed tax within three days, which are pending in Appeals Nos. A/28/06-07, A/14/06-07 and A/13/06-07 before the 2nd respondent as illegal, arbitrary and unconstitutional and to direct the 2nd respondent to act in accordance with law by not insisting the petitioner to pay the amounts pertaining to the disputed tax in Appeal Nos. A/28/06-07, A/14/06-07 and

A/13/06-07 till the expiry of 60 days from the date of communication of the Appellate Orders by the 2nd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

At the hearing, Shri V. Srinivas, learned counsel for the petitioner fairly stated that the appeal filed by his client against the order of assessment has been decided by the Appellate Authority and the appellate order is the subject matter of challenge in the second appeal. He then submitted that the Court may dispose of the writ petition as infructuous and grant seven days' time to his client to convince the Joint Commissioner to pass appropriate order on the application for stay.

Learned Government Pleader for Commercial Taxes says that he does not have any objection.

In view of the above, the writ petition is disposed of as infructuous with the direction that interim order dated 02.07.2007 shall remain operative for a period of eight days from today and within that period, the petitioner shall be free to approach the concerned Joint Commissioner for disposal of its application for interim relief.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.16526 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 30, 2007
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